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13

14 UNITED STATES DISTRICT COURT  
15 NORTHERN DISTRICT OF CALIFORNIA  
16

17 MIGUEL CASTANEDA on behalf of )  
himself and others similarly situated )  
18 )  
Plaintiff, )  
19 )  
vs. )  
20 )  
BURGER KING CORPORATION and )  
21 BURGER KING HOLDINGS, INC., )  
22 )  
Defendants. )  
23 \_\_\_\_\_ )

Case No. CV 08-4262 WHA  
**DEFENDANT BURGER KING CORPORATION'S NOTICE OF MOTION AND MOTION TO DISMISS FOR LACK OF SUBJECT MATTER JURISDICTION AND FAILURE TO STATE ANY CLAIMS UPON WHICH RELIEF CAN BE GRANTED, AND ALTERNATIVELY, MOTION TO STRIKE AND FOR A MORE DEFINITE STATEMENT (FRCP 12(b)(1), 12(b)(6), 12(f), 12(e))**

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25 TO PLAINTIFF AND HIS ATTORNEYS OF RECORD:

26 PLEASE TAKE NOTICE that on January 29, 2008, at 8:00 a.m., or as soon thereafter as  
27 the matter may be heard in the above-entitled court, located at 450 Golden Gate Avenue, San  
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